JC03 Rec'd PCT/PTO 23 MAR 2005

# TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER: 3394P020

U.S. APPLICATION NO. (If known, see 37 CFR 1.5): 10/529149

| INTERNATIONAL APPLICATION NO. | INTERNATIONAL FILING DATE | PRIORITY DATE CLAIMED |
|---|---|---|
| PCT/IL03/00430 | 23 May 2003 | 05/23/2002 |

TITLE OF INVENTION: electrode assembly for nerve control

APPLICANT(S) FOR DO/EO/US: Nir Betser, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
   a. ☒ is attached hereto (required only if not communicated by the International Bureau).
   b. ☒ has been communicated by the International Bureau.
   c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
   a. ☐ is attached hereto.
   b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)
   a. ☐ are attached hereto (required only if not communicated by the International Bureau).
   b. ☐ have been communicated by the International Bureau.
   c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
   d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13*ter*.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4)).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4)).
20. ☒ Other items or information.

return postcard; formal drawings transmittal; 10 drawing sheets w/21 figures; copy of IPER w/transmittal; petition to revive international application

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|---|---|---|
| 10/529149 | PCT/IL03/00430 | 3394P020 |

| The following fees have been submitted | | CALCULATIONS | PTO USE ONLY |
|---|---|---|---|
| 21. ☒ Basic national fee | $300 | $ 300.00 | |
| 22. ☒ Examination fee<br>If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33 (1)-(4) | $100 | | |
| All other situations | $200 | $ 100.00 | |
| 23. ☒ Search fee<br>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority | $100 | | |
| International Search Report prepared and provided to the Office | $400 | | |
| All other situations | $500 | 100.00 | |
| **TOTAL OF 21, 22 and 23 =** | | $ 500.00 | |

Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is **$250.00** for each additional 50 sheets of paper or fraction thereof.

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | |
|---|---|---|---|---|
| -100 = | -90 / 50 = | | x | $ |

Surcharge of **$130.00** for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)). $

| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
|---|---|---|---|---|---|
| Total claims | 42- 20 = | 22 | x 50 | $ | 1100.00 |
| Independent claims | 3 - 3 = | 0 | x 200 | $ | 0.00 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + 360 | $ | |
| **TOTAL OF ABOVE CALCULATIONS =** | | | | $ | 1600.00 |
| ☒ Applicant claims small entity status. See 37 CFR 1.27. The fees are reduced by 1/2. | | | | $ | 1600.00 |
| **SUBTOTAL =** | | | | $ | 800.00 |
| Processing fee of **$130.00** for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). ☐ | | | | $ | |
| **TOTAL NATIONAL FEE =** | | | | $ | 800.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **$40.00** per property | | | | $ | |
| Other fee (specify): | | | | | |
| **TOTAL FEES ENCLOSED =** | | | | $ | 800.00 |
| **Amount to be refunded:** | | | | | $ |
| **charged:** | | | | | $ |

a. ☒ A check(s) in the amount of $ 800.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 02-2666 in the amount of $ 800.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2666. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b) must be filed and granted to restore the application to pending status.**

3/23/05
DATE

SIGNATURE

SEND ALL CORRESPONDENCE TO:
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REGISTRATION NUMBER

10/529149
JC05 Rec'd PCT/PTO 23 MAR 2005
Express Mail No.: EV339909047US
*DOCKET NO.: 3394P020*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

NIR BETSER, ET AL.

Application No.:

Filed:

For: **electrode assembly for nerve control**

Art Group:

Examiner:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF FORMAL DRAWINGS**

Sir:

Enclosed herewith for filing in the above-identified U.S. Patent Application are the formal drawings, 10 sheets including 21 Figures. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-2666. A duplicate copy of the Fee Transmittal is enclosed for this purpose.

Respectfully submitted,
Blakely, Sokoloff, Taylor & Zafman LLP

Dated: 3/23/05

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